

REMARKS

The Final Office Action dated March 17, 2010 contained a final rejection of claims 107 and 113, 117-123, 125-129, 131 and 132. The Applicants have canceled claims 119, 120, 122, 126, 128, 129 and amended claims 113, 121, 123, 125, 127, 131 and 132. Claims 107, 113, 117, 118, 121, 123, 125, 127, 131, 132 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

Rejections under 35 U.S.C. § 112

The Office Action rejected claims 107, 113, 117-123, 125-129, 131 and 132 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite due to the phrases "absolute position data," "relative position data" and "relative direction data."

In response, the Applicants traverse this rejection and submit that the claims are definite. However, in an effort to expedite this case, the Applicants have amended applicable claims to remove the phrases "absolute position data," "relative position data" and "relative direction data."

Rejections under 35 U.S.C. § 103

On page 3 of the Office Action, the Examiner rejected claims 107, 113-117, 119-122, 125-129 and 132 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Foretich et al. (2003/0191723). On page 12 of the Office action, the Examiner rejected claim 118, 123, 131 under 35 U.S.C. 103(a) as allegedly being unpatentable over Foretich et al. and further in view of Florance et al. (2004/0030616).

Namely, the Applicants submit that the combined cited references do not disclose, teach or suggest all of the features of the newly amended independent claims.

Specifically, the Applicants' independent claims **now include** at least one of other real property attributes, including prices, types of properties, number of bedrooms, number of bathrooms, acreage or other predefined attributes of a property of interest to a consumer or investor, a mathematical calculation of the price and the AVM value for

each property, including at least one of a ratio calculation, an absolute difference between the price and the AVM value calculation, or a modified absolute difference between the price and the AVM value calculation after adjusting the AVM value for predefined financial factors not originally utilized in determining a stored AVM value and dynamic updating and storing in the database AVM values and corresponding DVS values from within the identified plurality of properties, wherein the AVM values are dynamically updated by using a specific geographic location and real property attributes of each property. In addition, claims 121 and 127, further include dynamically redisplaying updated search results as an ordered list that includes the identified plurality of properties presented as an automatically ranked list based on the mathematical calculation of the DVS value.

Support for these amendments can be found at least in FIGS. 2 and 5-6 and paragraphs [0025] – [0047] and [0070] – [0090] of the Applicants' published patent application 2006/0105342 A1.

In contrast, although Foretich et al., alone or in combination with Florance et al., disclose accepting search queries and using comparables and knowledge bases (see Foretich et al.), the combined cited references simply get value information from conventional knowledge bases with standard real property comparable and price information.

Hence, clearly, since Foretich et al., alone or in combination with Florance et al. do not disclose all of the newly amended features of the Applicants' independent claims, the Applicants' respectfully request withdrawal of the obviousness rejections.

In addition, the Applicants submit that Foretich et al. cannot be used as a reference because it **teaches away** from the Applicants' claimed invention. Namely, the Examiner misinterpreted Foretich et al. when he incorrectly stated that Foretich et al. uses a user defined geographic area of interest (see page 5 of the Office Action). This is because although Foretich et al. uses a zip code, the zip code is merely used to complete **a single address of a property** and not for using a user defined geographic area of interest, as argued by the Examiner. For example, Foretich et al. requires that "the system prompts the user for the following information: 1. Subject property address; and 2. Subject property

zip code." Thus, the zip code in Foretich et al. is used so that "the system will insure that the address entered exists within the city and the state or zip code area that was entered." [emphasis added] - see paragraphs [0038], [0039] and [0041], which were cited by the Examiner) and not for a user defined geographic area of interest.

It is well settled that the Examiner cannot take Foretich et al. out of context by picking and choosing language from Foretich et al. to support his position. This is because Foretich et al. clearly still actually requires an address along with the zip code for the search. Specifically, Foretich et al. requires "...information associated with a subject property, such as a street address, and then locates that property..." [emphasis added] (see Abstract of Foretich et al.). As such, clearly, Foretich et al. is specifically designed to use a zip code to complete an address of a specific property (or specific properties of a batch process) for finding valuation of each property as a search query, even if a batch process is used. However, the Applicants' claimed invention is the exact opposite because it uses zip codes to **perform a search query that identifies a plurality of properties** based on a geographic location and not for confirming or completing a specific property (see paragraphs [0038], [0039] and [0041]), contrary to the Examiner's misinterpretation of Foretich et al.

Any modification of Foretich et al. to perform a search query with plural properties would render Foretich et al. being modified unsatisfactory for its intended purpose and change the principle of operation of the invention in Foretich et al. being modified. This is because the spirit of the invention in Foretich et al. is clearly for searching **for a property address with a zip code for confirmation** (or in a batch process, plural properties) for creating a valuation of a specific property (or in a batch process, plural properties) and not for **searching a geographical location** and comparing plural properties to rank and find the best value in the geographical area, like the Applicants' claimed invention. Hence, this "teaching away" prevents the Foretich et al. reference from being used by the Examiner. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Thus, because Foretich et al. teach away from the Applicants' claimed invention, Foretich et al. cannot be used as a reference, and consequently, the Applicants submit that the rejection should be withdrawn. *MPPEP 2143*.

Consequently, since the Applicants' claimed elements are not disclosed by Foretich et al. in any combination with the other cited references and because Foretich et al. teach away from the Applicants' claimed invention, the Applicants submit that the obviousness rejections should be withdrawn.

Conclusion

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Respectfully submitted,
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